

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JEREMY PINSON, MIKEAL STINE,
DAVID CASPER, JEREMY BROWN,
JOHN LEIGH, and ANDREW HOBBS,

Plaintiffs,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION,
J. PRELIP, and J. FRISK,

Defendants.

Case No. C 13-5502 KAW (PR)

**ORDER FOR CLARIFICATION FROM
PLAINTIFFS**

On November 27, 2013, Plaintiffs, six federal inmates housed at four different federal prisons and proceeding *pro se*, filed a civil rights action under 42 U.S.C. § 1983. On December 16, 2013, three of the Plaintiffs—Pinson, Stine and Brown—filed an amended complaint. Nothing in the amended complaint indicated that the other three Plaintiffs were withdrawing from the case. However, the Clerk of the Court terminated from this action the three Plaintiffs who were not included in the amended complaint.

On December 18, 2013, Plaintiff Hobbs filed his consent to proceed before a magistrate judge. On January 10, 2014, Plaintiff Leigh filed his declination to proceed before a magistrate judge.

The fact that only three Plaintiffs filed an amended complaint may be an indication that they are the only Plaintiffs who wish to prosecute this case. However, the fact that two Plaintiffs who are not included on the amended complaint filed documents in this case after the amended complaint was filed indicates that they wish to prosecute this case. Therefore, it is not clear who is now prosecuting this case.

1 This issue must be clarified before this case may proceed further. Therefore, the Court
2 orders the six Plaintiffs who filed the original complaint to file individual declarations with the
3 Court indicating whether they wish to be a Plaintiff in this case. If more than the three Plaintiffs
4 who filed the amended complaint wish to pursue this case, a corrected amended complaint must be
5 filed listing all Plaintiffs. The declarations and corrected amended complaint must be filed within
6 six weeks from the date of this Order. If a Plaintiff does not file a declaration within this time
7 frame, he will be dismissed from this action without prejudice to filing a separate action, if he
8 wishes to do so.

9 Based on the foregoing, the Court orders as follows:

10 1. The Clerk of the Court shall vacate the termination of Hobbs, Leigh and Casper from
11 this case.

12 2. Within six weeks from the date of this Order, each Plaintiff shall file with the Court an
13 individual declaration indicating whether he wishes to be a Plaintiff in this action. If more than
14 the three Plaintiffs who filed the amended complaint wish to pursue this action, a corrected
15 amended complaint listing all Plaintiffs must be filed, also within six weeks from the date of this
16 Order. If a declaration is not received within six weeks, that individual will be dismissed from this
17 action without prejudice to pursuing a separate action, if he wishes to do so.

18 3. The Clerk of the Court shall send to each Plaintiff a copy of the docket of this case,
19 along with this Order.

20 **IT IS SO ORDERED.**

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22 Dated: 1 / 21 / 14

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24 KANDIS A. WESTMORE
25 UNITED STATES MAGISTRATE JUDGE
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